

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

*Counsel for Home Depot U.S.A., Inc.*

**BACKGROUND FACTS**

On or about October 18, 2012, the instant adversary proceeding was filed against Home Depot in this Court. Thereafter, a Pre-Trial Conference was scheduled in the instant litigation on July 9, 2013. Home Depot participated in the Pre-Trial Conference via teleconference. At the Pre-Trial Conference, the parties mutually agreed to continue the Pre-Trial Conference to September 17, 2013. Thereafter, Home Depot was disconnected from the telephonic proceedings. Approximately one-week ago, it came to Home Depot's attention that, after being disconnected from the call, the Court requested jury trial demands and notices of consent to entry of final orders of the Bankruptcy Judge be filed herein on or before July 23, 2013.

**WAIVER OF JURY TRIAL**

Home Depot, by counsel, hereby waives its right to a jury trial in the instant proceeding, and, expressly agrees to permit the instant litigation be adjudicated by the Bankruptcy Judge.

**NOTICE OF CONSENT TO ENTRY OF FINAL ORDERS BY THE BANKRUPTCY JUDGE**

Home Depot, by counsel, states that it expressly consents to the entry of Final Orders by the Bankruptcy Judge in the instant litigation.

Dated: July 23, 2013

HOME DEPOT U.S.A., INC.

By: /s/ Franklin R. Cragle, III  
Counsel

R. Webb Moore (VSB No. 27268)  
Robert S. Westermann (VSB No. 43294)  
Sheila deLa Cruz (VSB No. 65395)  
Franklin R. Cragle, III (VSB No. 78398)  
HIRSCHLER FLEISCHER, P.C.  
The Edgeworth Building  
2100 East Cary Street  
Post Office Box 500  
Richmond, Virginia 23218-0500  
Telephone: 804.771.9500  
Facsimile: 804.644.0957  
E-mail: wmoore@hf-law.com  
rwestermann@hf-law.com  
sdelacruz@hf-law.com  
fcragle@hf-law.com

*Counsel for Home Depot U.S.A., Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 23<sup>rd</sup> day of July, 2013, I will electronically file the foregoing Waiver of Jury Trial and Notice of Consent to Entry of Final Orders by the Bankruptcy Judge with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Bradford F. Englander, Esq.  
Christopher A. Jones, Esq.  
Whiteford Taylor & Preston, LLP  
3190 Fairview Park Drive, Suite 300  
Falls Church, Virginia 22042

/s/ Franklin R. Cragle, III  
Franklin R. Cragle, III (VSB No. 78398)  
HIRSCHLER FLEISCHER, P.C.  
The Edgeworth Building  
2100 East Cary Street  
Post Office Box 500  
Richmond, Virginia 23218-0500  
Telephone: 804.771.9500  
Facsimile: 804.644.0957  
E-mail: fcragle@hf-law.com